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State of South Carolina

State Ethics Commission

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April - July, 1996

NEWSLETTER

96-005

TRAINING SESSIONS AVAILABLE

Our agency is offering training sessions to candidates and public employees at the Commission office. If you are interested in attending one or more of the following training sessions, please contact Hannah King to reserve a space.

The training sessions are from 9:00am until 12:00pm, and include topics relating to the laws governing public employees and candidates as well as the filing requirements.

Aug. 6:	Candidate Training
Aug. 20:	Public Employee Training
Sep. 10:	Candidate Training
Sep. 24:	Public Employee Training
Oct. 8:	Public Employee Training
Oct. 22:	Public Employee Training

If you are unable to attend a training session at the Commission office but would like to arrange a local training session, please contact Hannah King to make appropriate arrangements.

MANUALS AVAILABLE

The requests for the Statement of Economic Interests/Campaign Disclosure Manual and the Lobbyist/Lobbyist's Principal Manual have greatly exceeded our supply. While we temporarily ran out of copies, a resupply will be available shortly. If you need a

copy of either manual, please contact Hannah King.

These manuals provide extensive instructions for compliance with the Ethics Reform Act as well as the various reporting requirements.

COMPLAINT RESOLVED

On June 26, 1996, the State Ethics Commission issued a Decision and Order in which a South Carolina Commission for the Blind Board Member, Earlene S. Gardner of Aiken County, was found in violation of the Ethics Reform Act. Mrs. Gardner was charged with filing for and receiving expense reimbursements for which she was not entitled.

After two days of testimony, the State Ethics Commission determined that Mrs. Gardner had violated the ethics law by submitting expense reimbursement requests for travel expenses which resulted in payments made for travel not in compliance with State travel policies and regulations and in requesting and receiving meal reimbursements to which she was not entitled.

In its Order, the State Ethics Commission warned Mrs. Gardner that her conduct violated State Law and ordered her to exercise greater attention, care, and caution in assuring that her travel is in compliance with state law, policies, and regulations. The Commission also referred the matter to the Governor for appropriate action.

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AUG 2 1996

STATE DOCUMENTS

LOBBYIST CONTRIBUTIONS TO CAMPAIGNS

Lobbyists are reminded that they are prohibited from participating in or contributing to any statewide campaigns; to candidates for the South Carolina Senate or House of Representatives; or candidates for any body they lobby. Lobbyists may contribute to political party committees or to political action committees provided the contributions are not directed to any particular candidate. A lobbyist may participate in and/or contribute to a federal candidate or campaign.

IMPORTANT DATES TO REMEMBER

September 2-	Labor Day Holiday
October 10-	Lobbyists and Lobbyists Principals Disclosure Forms Due
10-	Campaign Disclosure Quarterly Report Due
October 21-	Pre-Election Campaign Disclosure Form for General Election Due
November 5-	General Election Holiday
11	Veterans Day Holiday
28 & 29	Thanksgiving Holiday
December 25 & 26	Christmas Holiday
31	Lobbyist and Lobbyists Principals Year End Disclosure Forms Due
January 1	New Year's Holiday
5	Lobbyists and Lobbyists Principals Reregister
10-	Campaign Disclosure Quarterly Report Due

The Commission office is open from 8:00 a.m.- 5:00 p.m. Mondays through Fridays except for holidays. Reporting deadlines are established as the date of receipt of forms in the Commission office no later than the close of the business day.

COMMISSION MEETINGS

The State Ethics Commission has set the following as tentative meeting dates for FY 1996-97:

July 17, 1996	January 15, 1997
September 18, 1996	March 19, 1997
November 20, 1996	May 21, 1997

Meetings normally begin at 9:30 a.m. and are held in the Commission's conference room. Please contact the Commission for any meeting changes. Hearings are scheduled as necessary.

FORM REQUESTS

If you need any forms (Campaign Disclosure Form, Statement of Economic Interests, or Lobbyist or Lobbyist's Principal Disclosure Forms), please call or write the Commission office with your request. All such forms are available at no charge. All requests for forms are normally processed the same day.

ADVISORY OPINIONS

SEC AO 97-001

July 17, 1996

If BIPEC forwards names of individuals in the business community to be considered for positions on various boards, councils, or commissions and the vacancies are filled by election of the General Assembly and/or appointed by the Governor, the activity constitutes lobbying.

ADVISORY OPINIONS ON DISKETTE

All public formal opinions issued since 1992 are available for purchase on diskette at a cost of \$15 per set of 3 disks. The format is in Wordperfect 6.0a.

PLEASE LET US KNOW...

*If you are retiring or no longer holding a position which requires you to file a Statement of Economic Interests Form.

*If you are an active filer but have changed addresses, please call our agency with the new change and we will correct our records immediately.

WHAT FORMS ARE REQUIRED OF CANDIDATES FOR PUBLIC OFFICE?

Did you know that to become a candidate for public office, there are two (2) sets of forms to be completed and submitted? The first form required is the Statement of Economic Interests Form. This form is to be completed and turned in *at the time of filing to become a candidate*. The Statement of Economic Interests is to be filed with the party official or election official with whom you file your declaration of candidacy or petition to appear on the ballot. Within five days after the books close for accepting candidacy declarations or petitions, it is the election official's responsibility to submit all candidates Statement of Economic Interests Forms to the State Ethics Commission. The State Ethics Commission then sends a letter of certification to the party or election official indicating those candidates whose names may be placed on the election ballot.

The second form is the Campaign Disclosure Form. This form is to be submitted *at least once before the election by all candidates*, however, it may be required to be filed more frequently. It is the responsibility of the candidate to submit this form in a timely manner to the State Ethics Commission. The following timeline is to be followed for submitting a Campaign Disclosure Form:

* Initial: To be filed within ten days after spending or receiving the initial \$500 for the campaign. This \$500 can be one lump sum or the addition of several sums added together. The initial report will only be submitted once. An initial report does not need to be submitted after each \$500 spent or received. There are some instances where if a candidate does not ever accumulate a total of \$500, he/she does not need to file this report.

* Pre-Election: This report *must be submitted by each candidate for public office, even if there has been no financial activity*. This report is due fifteen days prior to each election in which the candidate's name appears on the election ballot. A write-in candidate soliciting or expending funds must also file this report.

* Quarterly: After the Initial or Pre-Election reports have been filed, candidates must file ten days after each calendar quarter (Jan. 10, Apr. 10, Jul. 10, and Oct. 10). Even if there has been no financial activity, a quarterly

report is due. All candidates continue to file a quarterly report until they can file a final report.

* Final: This report is to be filed when there is (1) a zero balance in a campaign account, (2) no debts to be paid, and (3) no further contributions or expenditures to be made involving the campaign. This report may be filed at any time.

All forms may be obtained from the State Ethics Commission or from the local Clerk of Court's office. All forms are free. Please contact this office if you have further questions regarding your campaign or filing your forms.

ELECTION CAMPAIGN REMINDERS

It is important for candidates to know several important provisions of the Ethics Reform Act when seeking elective office:

- (1) All candidates must open a separate campaign checking account and/or savings account. All expenditures must be by check except for expenditures not to exceed \$25 which may be paid from a petty cash fund. The petty cash fund may not exceed \$100.
- (2) No campaign expenses may be made from the candidate's personal funds. All campaign contributions must be deposited into the candidate's campaign checking or savings accounts within ten days after receipt.
- (3) A candidate may contribute personal funds to his campaign account or may loan funds to his campaign account. There is no limit on the amount a candidate may contribute from his personal funds to his own campaign.
- (4) Contribution limits apply. Local candidates may only accept \$1,000 and statewide candidates may only accept \$3,500 per election cycle from a contributor. An election cycle runs from the day after a general election to the day of the next general election. The contribution limits apply to each election for which the candidate has opposition during the election cycle as well as the general election.

- (5) Lobbyists may not contribute to a candidate for the General Assembly; statewide candidate; or any office which the lobbyist is engaged in lobbying. Further, candidates may not accept contributions from such a lobbyist.
- (6) There is no limitation on the amount of money which may be spent on an election campaign.
- (7) A statewide candidate or the candidate's family members may not be paid back more than \$25,000 after the election for a loan to the campaign. A local candidate or family members may not be repaid more than \$10,000 after the election.

What would you do...?

We continue this edition with another situation more commonly faced by public employees in an election year.



You are an employee in a public agency. One of your friends is running for a county office and has asked you to help with the campaign. Can you be the campaign manager or otherwise work in the campaign?



In most cases you can, provided that any campaign work is done on your own time without utilizing any public resources such as computers, copiers, telephones, etc. Any campaign work must also be conducted away from public buildings. Any campaign work should not interfere with your duties as a public employee.

Check also with your agency to determine if there is any agency policy which may address election involvement. Further, if you are employed in a position which involves Federal funds, you may fall within the jurisdiction of the Hatch Act which prohibits involvement in partisan election campaigns. You may obtain information about the Hatch Act from the Office of Special Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20410, telephones (202) 653-7143 or (800) 872-9855.

If you have any further questions regarding campaign practices or whether you may participate in a campaign, please call our office at (803) 253-4192 or you may fax us at (803) 253-7539.

State Ethics Commission

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